

City Council Introduction: **Monday**, October 15, 2001  
Public Hearing: **Monday**, October 22, 2001, at **1:30 p.m.**

Bill No. 01-154

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3341**, from AG Agricultural to H-3 Highway Commercial, requested by Jerry Coniglio, on property generally located at South 14<sup>th</sup> Street and vacated Dairy Drive.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 10/03/01  
Administrative Action: 10/03/01

**RECOMMENDATION:** Approval (7-0: Newman, Taylor, Steward, Carlson, Duvall, Schwinn and Hunter voting 'yes'; Krieser and Bills absent).

### **FINDINGS OF FACT:**

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3.
2. This application was placed on the Consent Agenda of the Planning Commission on October 3, 2001, and opened for public hearing. No one came forward to speak.
3. On October 3, 2001, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 8, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 8, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3341

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Change of Zone #3341

**DATE:** September 18, 2001

**PROPOSAL:** Jerry Coniglio requests a change of zone from AG, Agriculture to H-3, Highway Commercial. This proposal is in response to the vacation of Dairy Drive.

**CONCLUSION:** This project is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>
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Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The North ½ of vacated Dairy Drive adjacent to Lot 7 Ryan's Subdivision, Section 11, T9N, R6E.

**LOCATION:** So. 14<sup>th</sup> Street and vacated Dairy Drive.

**APPLICANT:** Jerry Coniglio  
4815 So. 14<sup>th</sup> Street  
Lincoln, NE 68512

**CONTACT:** Same

**EXISTING ZONING:** AG, Agriculture

**EXISTING LAND USE:** Vacant land.

### **SURROUNDING LAND USE AND ZONING:**

North: AG Agriculture, Vacant land.  
South: H-3 Highway Commercial, Lincoln Mattress Factory  
East: I-2 Industrial, across S. 14<sup>th</sup> Street  
West: P Public Use, Vacant land.

### **HISTORY:**

1. A request to vacate Dairy Drive was approved by the Lincoln City-Lancaster County Planning Commission on November 29, 2000.
2. The street vacation was put on the City Council pending list on December 18, 2000, until such time as the problem with lack of frontage to the lots along Dairy Drive was resolved.
3. On April 10, 2001 the State of Nebraska and Lancaster County submitted an application to vacate Leavitt's Subdivision.
4. On May 16, 2001 the Lincoln City-Lancaster County Planning Commission recommended conditional approval to vacate Leavitt's Subdivision.
5. The City Council approved the vacation of Leavitt's Subdivision on June 11, 2001.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Map of the Comprehensive Plan specifies this area as Commercial.

**TRAFFIC ANALYSIS:** So. 14<sup>th</sup> Street is classified as a principal arterial.

**PUBLIC SERVICE:** The nearest fire station is Fire Station #4 located at So. 27<sup>th</sup> Street and Old Cheney Road.

**ANALYSIS:**

1. Dairy Drive was vacated with the vacation of Leavitt's Subdivision.
2. The current zoning shows the dividing line between AG and H-3 on the centerline of vacated Dairy Drive.
3. The State of Nebraska waived the right to purchase their portion of Dairy Drive that was made available by the vacation of Leavitt's Subdivision
4. The area of application from AG to H-3 is adjacent to the existing developed H-3 district and is in conformance with Land Use Plan of the Comprehensive Plan.

Prepared by:

Tom Cajka  
Planner

# CHANGE OF ZONE NO. 3341

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

October 3, 2001

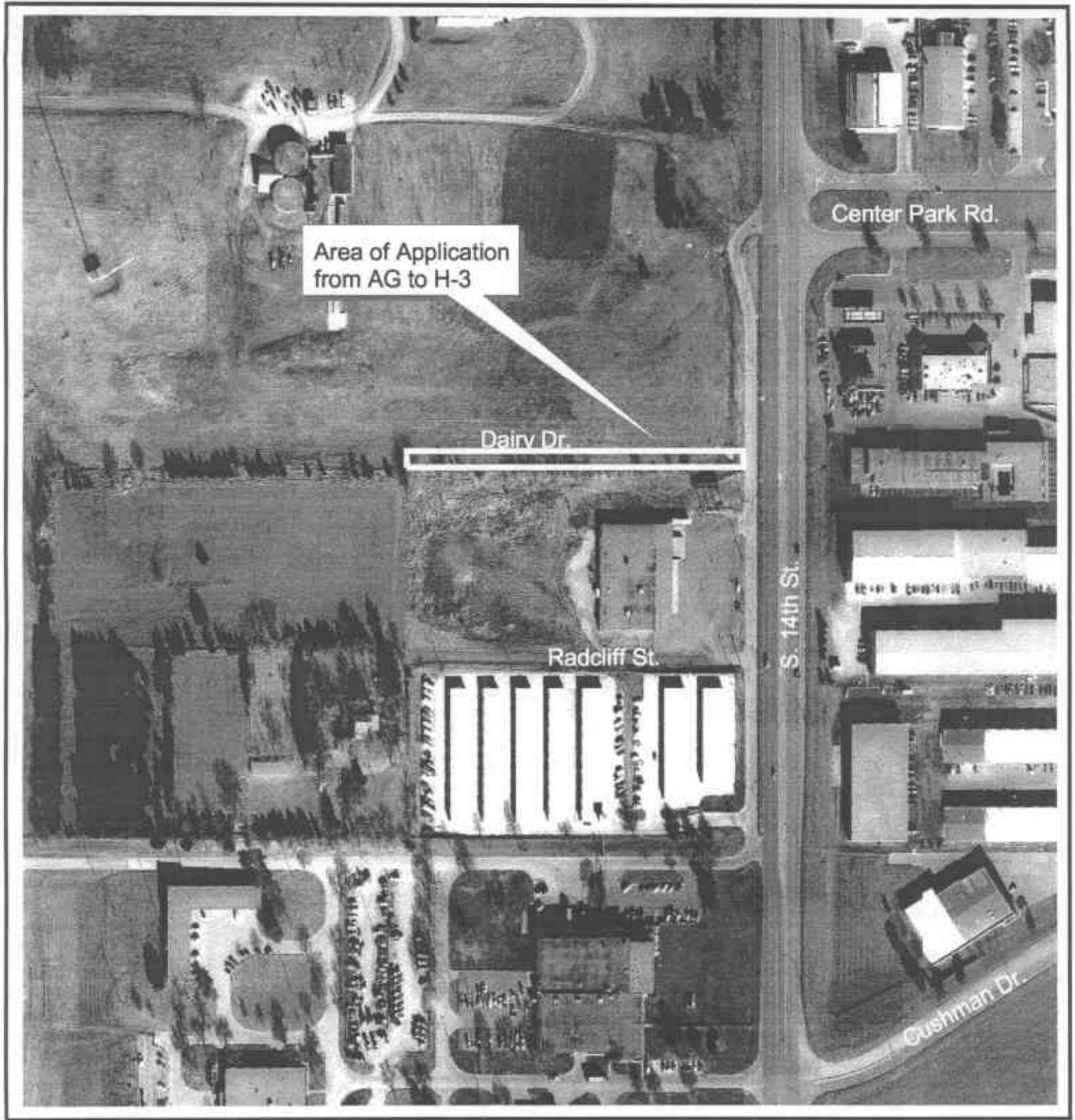
Members present: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor; Bills and Krieser absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3341; SPECIAL PERMIT NO. 1013-I; SPECIAL PERMIT NO. 1920; SPECIAL PERMIT NO. 1922; SPECIAL PERMIT NO. 1931; SPECIAL PERMIT NO. 1932; SPECIAL PERMIT NO. 1933; SPECIAL PERMIT NO. 1934; FINAL PLAT NO. 01009, HARTLAND HOMES EAST 5<sup>TH</sup> ADDITION; FINAL PLAT NO. 01021, NORTH CREEK COMMERCIAL PARK; COMPREHENSIVE PLAN CONFORMANCE NO. 01003 and STREET AND ALLEY VACATION NO. 01015.**

**Item No. 1.3, Special Permit No. 1920; Item No. 1.7, Special Permit No. 1933; and Item No. 1.12, Street and Alley Vacation No. 01015,** were removed from the Consent Agenda and had separate public hearing.

Duvall moved to approve the remaining Consent Agenda, seconded by Carlson and carried 7-0: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills and Krieser absent.

Note: This is final action on Special Permit No. 1920; Special Permit No. 1922; Special Permit No. 1931; Special Permit No. 1933; Hartland Homes East 5<sup>th</sup> Addition Final Plat No. 01009; and North Creek Commercial Park Final Plat No. 01021, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

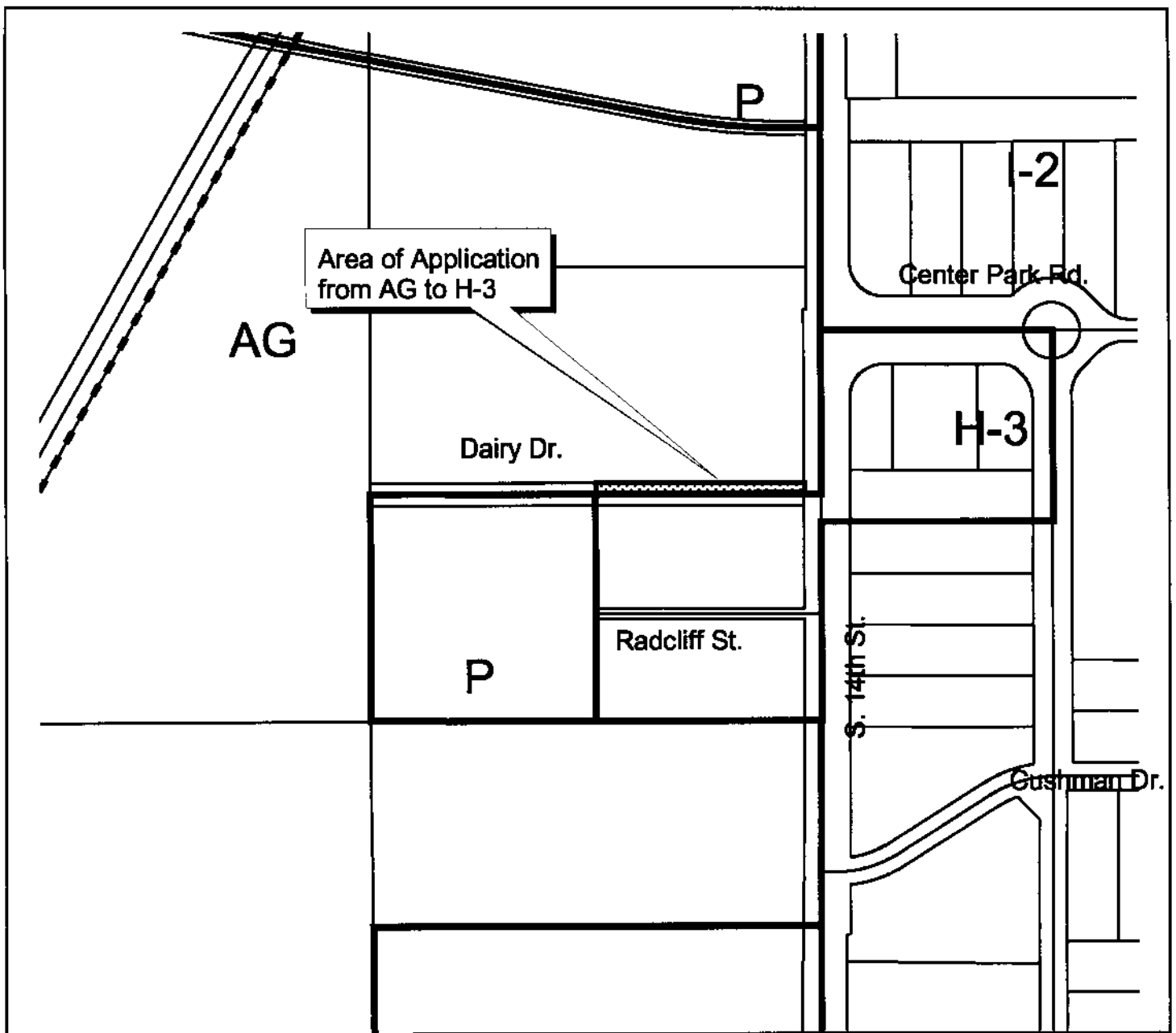


**Change of Zone #3341  
S. 14th & Dairy Rd.**



9-18-01 005

Photograph Date: 1997

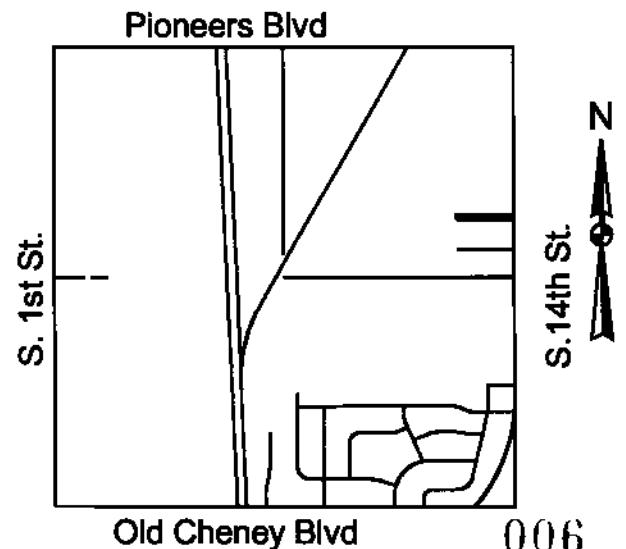
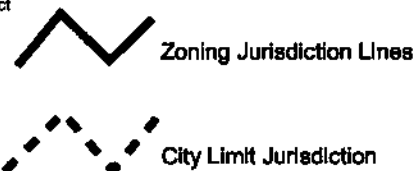


## Change of Zone #3341 S. 14th & Dairy Rd.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 11 T9N R6E



9-18-01  
Lincoln City - Lancaster County Planning Dept.

# M e m o r a n d u m

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**To:** Tom Cajka, Planning Department

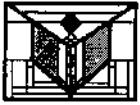
**From:** Charles W. Baker, Public Works and Utilities *BWB*

**Subject:** Change of Zone # 3341

**Date:** September 18, 2001

**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the change of zone for the vacated portion of Dairy Road west of South 14th Street and has no objection. A building permit has been approved through the Department of Building and Safety by Public Works in this vicinity.



**Rodger P Harris**

09/17/2001 10:05  
AM

To: Thomas J Cajka/Notes@Notes  
cc: Chuck A Zimmerman/Notes@Notes  
Subject: **CZ 3341, AG to H-3.**

We have no comments to offer regarding this CZ.